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The Minnesota
**State
Register**

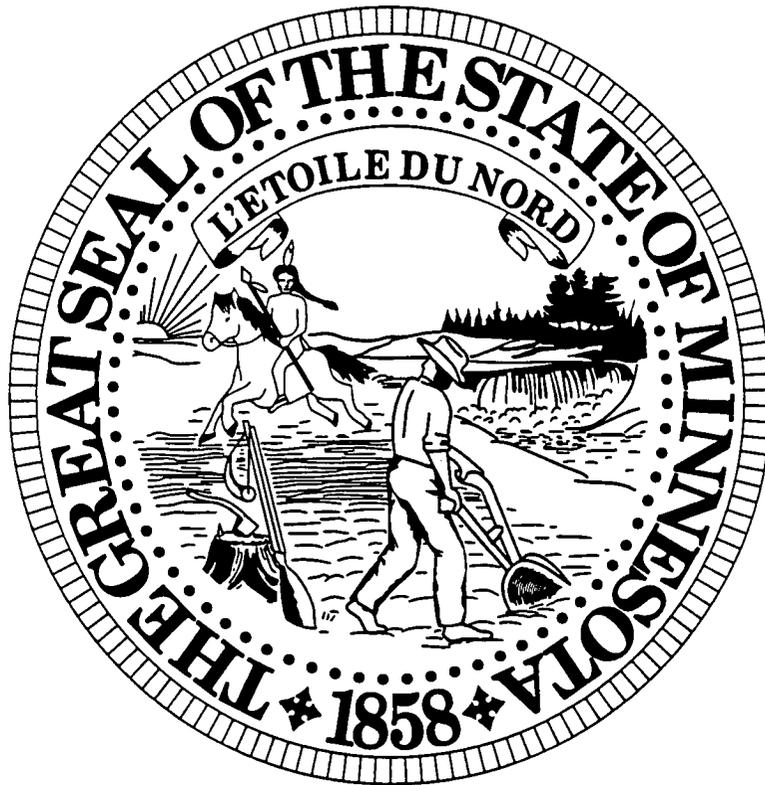
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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 19 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
49	Monday 5 June	Monday 22 May	Friday 26 May
50	Monday 12 June	Friday 26 May	Monday 5 June
51	Monday 19 June	Monday 5 June	Monday 12 June
52	Monday 26 June	Monday 12 June	Monday 19 June

Arne H. Carlson, Governor 612/296-3391	Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Growe, Secretary of State 612/296-2079
Joanne E. Benson, Lt. Governor 612/296-3391	Judi Dutcher, State Auditor 612/297-3670	Michael A McGrath, State Treasurer 612/296-7091
Department of Administration:	Print Communications Division:	Robin PanLener, Editor 612/297-7963
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To submit notices for publication in the *State Register*, contact the editor listed above. The charge is \$8.00 per column inch (columns are seven inches wide). About 2-1/2 pages typed double spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Submit two copies of your notice, typed double spaced, with a letter on your letterhead stationery requesting publication date. Send to the *State Register* at the address listed below.

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- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year subscription: \$150.00
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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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and "Professional-Technical-Consulting Contract Awards
Reports" are published monthly. Both are available
through Minnesota's Bookstore, (612) 297-3000 or 1-800-
657-3757. For subscription information call 612/296-0931.
Individual awards can be obtained from the
Materials Management Helpline 612/296-2600.

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Dietetics and Nutrition Practice

Proposed Permanent Rules Relating to Licensure

Notice of Intent to Adopt a Rule Without a Public Hearing

Introduction. The Board of Dietetics and Nutrition Practice (hereinafter "Board") intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. The proposed rules pertain to the initial requirements for licensure and to fees. You have 30 days to submit written comments on the proposed rules. You may also, within 30 days, submit a written request that a hearing be held on any of the proposed rules, other than those pertaining to fees. A hearing is not required and will not be held on the proposed rules regarding fees. *Minnesota Statutes* 214.06, Subd. 3 (1994).

Board Contact Person. Comments or questions on the rules and written requests for a public hearing on the rule must be submitted to:

Laurie Mickelson
Executive Director
Minnesota Board of Dietetics and Nutrition Practice
2700 University Avenue West, Suite 103
St. Paul, MN 55114
(612) 643-2121
FAX (612) 643-3676

Subject of Rule and Statutory Authority. The proposed rules clarify the requirements for initial licensure and fees referred to in *Minnesota Statutes* sections 148.624, 148.625 and 148.627 (1994). The statutory authority to adopt the rules is found in *Minnesota Statutes*, sections 148.623 (1) and 214.06, subs. 1, 2 (1994). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m., on July 7, 1995, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the board contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules other than those pertaining to fees. Your request for a public hearing must be in writing and must be received by the board contact person by 4:30 p.m. on July 7, 1995. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule(s) which caused your request, the reason for the request, and any changes you want made to the proposed rule(s). If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the board will follow the procedures set forth in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as attached and printed in the *State Register* and

must be supported by data and views submitted to the board or presented at the hearing. If a proposed rule affects you in any way, you are encouraged to participate in the rule-making process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the board contact person. This statement describes the need for and the reasonableness of each provision of the proposed rules.

Small Business Considerations. The Board takes the position that *Minnesota Statutes*, section 14.115, does not apply to these proposed rules, as they should have no impact on small businesses. The basis for this position is given in the statement of need and reasonableness. In the event that it is determined that the Board is governed by section 14.115, the statement of need and reasonableness also addresses the five methods suggested in subdivision 2 of section 14.115 for reducing the impact of the rules on small businesses.

Expenditure of Public Money by Local Public Bodies. Promulgation of the proposed rules will not result in the expenditure of monies by local bodies. Therefore, no further information need be provided under *Minnesota Statutes* Section 14.11, subdivision 1.

Impact on Agriculture Lands. Promulgation of the proposed rules will not have an impact on agricultural land. Therefore, no further information need be provided under *Minnesota Statutes*, section 14.11, subdivision 2.

Adoption and Review of Rules. If no hearing is required, after the end of the comment period, the board may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to the board contact person listed above.

Laurie Mickelson
Executive Director

Rules as Proposed (all new material)

3250.0010 REQUIREMENTS FOR LICENSURE AS A DIETITIAN.

Subpart 1. **Generally.** To be eligible for licensure as a dietician, an applicant must submit a fully completed application on a form provided by the board, along with the applicable fee as provided in part 3250.0050, and meet one of the sets of requirements described in subparts 2 to 4.

Subp. 2. **Education and experience.** The applicant must provide the board with:

A. an official transcript showing that the applicant has received a baccalaureate or postgraduate degree with a major in dietetics, human nutrition, nutrition education, food and nutrition, or food services management from a United States regionally accredited college or university;

B. documented evidence of having completed a supervised preprofessional practice experience component in nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food system management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degrees outside the United States and its territories must have their degrees approved by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university; and

C. documented evidence of successful completion of the registration examination for dietitians administered by the Commission on Dietetic Registration within five years immediately preceding application for licensure.

Subp. 3. **National registration.** The applicant must provide a notarized copy of the applicant's current registration card from the Commission on Dietetic Registration demonstrating registration as a dietician.

Subp. 4. **Applicants holding foreign degrees.** An applicant with a foreign degree must provide:

A. documented evidence that an evaluating agency preapproved by the board has evaluated the applicant's transcript from a foreign college or university and has deemed the transcript to be equivalent to the transcript required under subpart 2, item A. The documented evidence must be received directly from the evaluating agency by the board;

B. documented evidence of having completed within the last five years a supervised preprofessional experience component in

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food system management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degrees outside the United States and its territories must have their degrees approved by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university; and

C. documented evidence of successful completion of the registration examination administered by the Commission on Dietetic Registration within five years immediately preceding application for licensure.

3250.0020 NUTRITIONIST REQUIREMENTS.

Subpart 1. **Generally.** To be eligible for licensure as a nutritionist, an applicant must submit a fully completed application on a form provided by the board, along with the applicable fee as provided in part 3250.0050, and meet one of the sets of requirements described in subparts 2 to 5.

Subp. 2. **Education and experience.** The applicant must provide the board with:

A. an official transcript showing that the applicant has received a postgraduate degree with a major in human nutrition, public health nutrition, clinical nutrition, nutrition education, community nutrition, or food and nutrition from a United States regionally accredited college or university; and

B. documented evidence of having completed a supervised preprofessional practice experience component in nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food system management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degrees outside the United States and its territories must have their degrees approved by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university.

Subp. 3. **National registration.** The applicant must provide a notarized copy of a current certificate showing the applicant's diplomate status with the American Board of Nutrition.

Subp. 4. **Applicants petitioning for independent review.** The applicant petitioning for independent review must provide the board with:

A. an official transcript showing the applicant's completion of a master's or doctoral degree with a major course of study that includes an emphasis in human nutrition, as described in *Minnesota Statutes*, section 148.624, subdivision 3, paragraph (a); and

B. documented evidence of having completed a supervised preprofessional practice experience component in nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food system management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degrees outside the United States and its territories must have their degrees approved by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university.

Subp. 5. **Applicants holding foreign degrees.** The applicant holding a foreign degree must provide the board with:

A. documented evidence that an evaluating agency, preapproved by the board, has evaluated the applicant's transcript from a foreign college or university and has deemed that transcript to be equivalent to the transcript required under subpart 2, item A. The documented evidence must be received directly from the evaluating agency by the board; and

B. documented evidence of having completed within the last five years a supervised preprofessional experience component in nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, and food system management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degrees outside the United States and its territories must have their degrees approved by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university.

3250.0030 TRANSITION PERIOD REQUIREMENTS.

Subpart 1. **Dietitian requirements.** To be eligible for licensure as a dietitian for one year from the effective date of this part, in lieu of the requirements in part 3250.0010, an applicant must submit to the board a fully completed application on a form provided by the board, along with the applicable fee as provided in part 3250.0050, and provide:

A. a notarized copy of the applicant's current registration card from the Commission on Dietetic Registration demonstrating registration as a dietitian or an official transcript from a United States regionally accredited college or university showing the applicant received a bachelor's degree in dietetics, human nutrition, nutrition education, food and nutrition, or food service management; and

B. a letter from an employer or colleague attesting to the applicant's competent practice of dietetics for the equivalent of one year in the last five years.

Subp. 2. **Nutritionist requirements.** To be eligible for licensure as a nutritionist for one year from the effective date of this part, in lieu of the requirements in part 3250.0020, an applicant must submit a fully completed application, on a form provided by the board, along with the applicable fee as provided under part 3250.0050, and provide the board with evidence of meeting one of the sets of requirements described in item A, B, or C:

A. an official transcript from an accredited or approved college or university showing that the applicant has received a master's or doctoral degree with a major in human nutrition, public health nutrition, clinical nutrition, nutrition education, community nutrition, or food and nutrition and a letter from an employer or colleague attesting to the applicant's competent practice of nutrition or dietetics for the equivalent of one year in the last five years;

B. a notarized copy of current certification as a clinical nutritionist from the International and American Association of Clinical Nutritionists and a letter attesting to the applicant's competent practice of clinical nutrition, from a medical doctor with whom the applicant is working; or

C. a notarized copy of the applicant's current certification as a nutrition specialist from the Board of Nutrition Specialists.

3250.0040 INITIAL LICENSING.

The board shall review and grant licenses on a quarterly basis, during the second full week of the months of August, November, February, and May, provided the date is no later than the 15th day of the month.

An application must be received before the first day of the month in which the application will be reviewed by the board.

Licenses granted in August 1995 shall be effective September 1, 1995, through August 31, 1996. Thereafter, a license shall be effective on the date it is approved by the board through the following month of August.

3250.0050 FEE SCHEDULE.

Subpart 1. **Application fees.** Application fees must be submitted along with an application to the board office. The fees are as follows:

- A. nutritionist or dietitian by petition, \$200;
- B. nutritionist, \$175;
- C. dietitian without registration by the Commission on Dietetic Registration, \$175; and
- D. dietitian with registration by the Commission on Dietetic Registration, \$100.

Subp. 2. **Licensing fee.** An initial licensing fee must be submitted along with the application for licensure to the board office. The initial licensing fee is \$150.

Subp. 3. **License renewal fee.** Annual renewal fees are due by August 31 of each year. Renewal requests postmarked after August 31 shall be assessed a late penalty fee. The fees are as follows:

- A. annual renewal, \$150; and
- B. late renewal penalty, \$50.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Pollution Control Agency

Adopted Permanent Rules Relating to Solid Waste Management Recycling

The rules proposed and published at *State Register*, Volume 19, Number 20, pages 1124-1127, November 14, 1994 (19 SR 1124), are adopted with the following modifications:

Rules as Adopted

7035.0300 DEFINITIONS.

Subp. 88. **Recycling facility.** "Recycling facility" means a facility where only recyclable materials are received and prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use. The recyclable materials must:

A. ~~not be hazardous as defined in chapter 7045;~~

~~B. fit the definition of mixed municipal solid waste prior to separation for recycling;~~

~~C. B. not include items which have been prohibited by state law from disposal or placement in mixed municipal solid waste, unless approved by the commissioner; and~~

~~D. C. have been separated from other mixed municipal solid waste by the generator prior to collection; and~~

D. not be hazardous as defined in chapter 7045, except for household hazardous waste. Recyclable materials that are defined as household hazardous waste in part 7045.0131, subpart 1, and Minnesota Statutes, section 115A.96, subdivision 1, paragraphs (a) and (b), may be accepted at the facility for recycling if they are managed in accordance with part 7045.0310.

"Recycling facility" does not include an individual generator of recyclable materials, such as a homeowner, a business, or a government agency, and it does not include a manufacturer using recyclable materials as feedstock.

7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.

Subp. 2. **Exceptions.** Parts 7035.2525 to 7035.2915 do not apply to the following solid waste management facilities or persons, except as indicated:

B. recycling facilities in compliance with part 7035.2845; ~~except that they must only~~ comply with parts 7035.2535, subparts 1, 2, and 3, 7035.2545, 7035.2555, 7035.2565, 7035.2595, 7035.2605, and 7035.2625, subparts 1 and 2;

C. recycling drop-off sheds, divided roll-off boxes, separate dumpsters, and other containers or small structures where recyclable materials that have been separated from mixed municipal solid waste by the generator in order to avoid contaminating the materials or to expedite the collection or processing of them for recycling are collected in total volumes not exceeding 40 cubic yards, at any one time, ~~except that they must only~~ comply with part 7035.2845, subpart 3;

7035.2845 RECYCLING FACILITIES.

Subp. 4a. **Annual report.** By ~~February~~ March 1 of each year, the owner or operator of a recycling facility shall submit an annual report to the commissioner, on a form prescribed by the commissioner, indicating the name and address of the recycling facility, the year covered by the report, the type and ~~volume~~ weight of materials handled at the facility; and the distribution of materials by ~~volume weight~~, i.e., what ~~volume weight~~ weight of recyclable material received went to an end market, a broker/processor, or was managed as mixed municipal solid waste.

Subp. 4b. **Storage.** All of the recyclable materials that are delivered to or are stored at the recycling facility must be removed from the facility within ~~one year~~ three years after the date of receipt. The owner or operator must notify the commissioner annually, in the annual report required in subpart 4a, if recyclable materials are stored longer than one year. The annual report must identify the type and approximate weight of material being stored. Recyclable materials that are stored longer than one year must be stored in such a way that the recyclability is retained.

Subp. 4c. **Inspections.** The owner or operator of a recycling facility must inspect the facility, at least every 30 days, for malfunctions, deterioration, or discharges that may result in either the release of pollutants to the environment or a threat to human health. The owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment used to prevent, detect, or respond to environmental or human health hazards. The owner or operator must retain at the facility a copy of the schedule which must identify the types of problems to look for during the inspection. The owner or operator must remedy any deterioration or malfunction of equipment or structure no later than two weeks after an inspection. If the owner or operator is unable to remedy the deterioration or malfunction within two weeks due to the nature of the problem, availability of materials, or other factors that influence repair efforts, the owner or operator must remedy the problem as soon as possible and must keep a current summary report of the incident and the steps being taken to remedy the situation.

Subp. 4d. **Operating record.** The owner or operator of a recycling facility must keep a written operating record at the facility until April 1 of each year for the preceding calendar year. The owner or operator must record the type and ~~volume weight~~ of recyclable materials received for each ~~day, the date received, quarter~~ and their distribution by ~~volume weight~~. The operating record must also include summary reports and details of incidents that require implementing the contingency action plan specified in subpart 5, and records and results of inspections required by subpart 4c.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Withdrawn Rules

Board of Dentistry

Notice of Withdrawal of the Proposed Adoption of Rules of the Minnesota Board of Dentistry Governing Continuing Dental Education

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Dentistry Governing the Duties of Registered Dental Assistants and Dental Hygienists

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Dentistry Governing the Licensure of Faculty and Resident Dentists

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Dentistry Governing the Administration of Nitrous Oxide and Anesthesia

The three sets of proposed rules published by the Minnesota Board of Dentistry in the *State Register* on August 8, 1994, relating to (1) continuing dental education (*Minnesota Rules* parts 3100.0100, 3100.2000, and 3100.4100 - 3100.4500); (2) expanded duties for registered dental assistants and dental hygienists (*Minnesota Rules* parts 3100.1300, 3100.8500, and 3100.8700); and (3) licensure of faculty and resident dentists and terms and renewal of licenses and registrations generally (*Minnesota Rules* parts 3100.0100, 3100.1150, 3100.1160, 3100.1700, 3100.1750, and 3100.2000), were automatically withdrawn pursuant to *Minnesota Statutes* section 14.26, subdivision 1, due to the Board's failure to submit the proposed rules to the Attorney General's office for approval within 180 days of the end of the public comment period.

On May 8, 1995, the Board re-published in the *State Register* notices of intent to adopt rules without a public hearing for the proposed rules relating to (1) continuing dental education (*Minnesota Rules* parts 3100.0100, 3100.2000, and 3100.4100 - 3100.4500); and (2) expanded duties for registered dental assistants and dental hygienists (*Minnesota Rules* parts 3100.1300, 3100.8500, and 3100.8700). Also on May 8, 1995, the Board published in the *State Register* a dual notice (notice of intent to adopt rules without a public hearing unless 25 or more persons request a hearing; and notice of hearing if 25 or more requests for hearing are received) for proposed rules relating to the administration of nitrous oxide and anesthesia (*Minnesota Rules* parts 3100.3600 and 3100.8700). These three sets of proposed rules are hereby withdrawn due to technical defects in the notices of intent to adopt rules without a public hearing and the dual notice, respectively.

It is the Board's intent to again propose the three above-referenced sets of rules and publish corrected notices of intent to adopt rules without a public hearing by September 1, 1995.

Dated: 22 May 1995

Patricia H. Glasrud
Executive Director

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Minnesota State Agricultural Society

Minnesota State Fair

Meeting Notice

The board of managers of the Minnesota State Agricultural Society, governing body of the State Fair, will conduct a business meeting at 10 a.m. Thursday June 8 at the Administration Building on the fairgrounds. The general business session will be preceded by a 9 a.m. meeting of the board's sales committee.

Department of Health

Family Health Division

Notice of Solicitation of Outside Information or Opinions Regarding Development of Rules Governing the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program)

Introduction

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (the "Department") is seeking information or opinions from sources outside the Department in preparing to propose amendments to *Minnesota Rules* parts 4617.0002, and 4617.0060 through 4617.0174. The Department intends to propose the amendment of some of these rules, the repeal of some of these rules, and the adoption of new rules, hereinafter collectively referred to as "the modification of the WIC program rules." The modification of the WIC program rules is authorized by *Minnesota Statutes* section 145.894(k), which permits the Commissioner of Health to promulgate all rules necessary to carry out the provisions of sections 145.891 to 145.897, and by *Minnesota Statutes* section 144.11, which permits the Commissioner of Health to promulgate reasonable rules necessary to carry into effect the provisions of section 144.10.

The issues which the Department may consider when proposing to modify the WIC program rules are as follows:

1. how to prevent or reduce fraud by WIC vendors;
2. whether to limit the number of WIC vendors, and how to implement such limitation;
3. what criteria should be used in the selection of WIC vendors, such as prices for WIC-approved foods;
4. what record keeping requirements should apply to WIC vendors;
5. what should be the effect on WIC vendor authorization of a change in vendor ownership, vendor management, vendor name, or vendor location;
6. whether and how the vendor application procedure and the required application materials should be modified;
7. whether and how the vendor eligibility and operating requirements, including minimum stock requirements and the required hours of operation, should be modified;
8. whether new vendor eligibility requirements should be adopted;
9. whether WIC pharmacy vendors should be distinguished from WIC food vendors, such that WIC pharmacy vendors would only be able to redeem vouchers for special formula unless the pharmacy vendor is also authorized as a WIC food vendor;
10. whether the required provisions in vendor agreements or guarantees should be modified;
11. what range of sanctions should be available for the Commissioner to impose on vendors who violate the rules, and whether the Commissioner should have the option of imposing civil penalties instead of disqualification for certain rule violations;

Official Notices

12. what new rules and amendments of existing rules would improve the WIC vendor system;
13. whether all WIC vendors should be required to operate at an established business site located at a fixed and permanent location, and should be prohibited from providing delivery service to WIC participants;
14. whether additional restrictions should be placed on who may manage or own (in whole or in part) a food store or pharmacy authorized as a WIC vendor, and who may own (in whole or in part) any entity which has an ownership interest in a food store or a pharmacy authorized as a WIC vendor;
15. whether the procedures for appeals by local agencies and vendors, including the procedures for further appeal if the local agency or vendor is dissatisfied with the Commissioner's decision on appeal, should be modified; and
16. other issues which arise as a result of comments received or internal review of the existing rules.

The Department has begun forming an advisory task force to review the modification of the WIC program rules and has invited or intends to invite the following persons or associations to serve on the task force:

1. a representative from the Minnesota Grocers Association;
2. a staff member from a WIC local agency located in a rural area;
3. a staff member from a WIC local agency located in an urban area;
4. a WIC program participant;
5. a legislator who represents a rural constituency, or a staff member of such a legislator;
6. a legislator who represents an urban constituency, or a staff member of such a legislator;
7. a representative of a corporate-owned supermarket;
8. a representative of a corporate-owned convenience store;
9. a representative of a neighborhood grocery owned by one or two individuals;
10. a representative of a corporate-owned pharmacy;
11. a representative of a pharmacy owned by one or two individuals; and
12. a representative of the United States Department of Agriculture who works with the Food Stamp Program.

The Department may also ask one or more other interested parties to serve on the advisory task force.

The Department intends to complete its formation of the advisory task force by July 1995. The Department hopes that the task force will complete its review of the modification of the WIC program rules by October 1995, but this process could take longer. The Department anticipates that the rulemaking process will be completed approximately eight to twelve months after the task force concludes its work.

The Department requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Rick Chiat
WIC Vendor Supervisor
Department of Health
717 SE Delaware Street
PO Box 9441
Minneapolis, MN 55440

Oral statements will be received during regular business hours over the telephone at (612) 623-5747 and in person at the above address. Interested persons may also contact Mr. Chiat regarding the current status of the WIC program rule modification effort.

All statements of information and opinion will be accepted until further notice is published in the *State Register* that the Department intends to modify the WIC program rules. Any written material received by the Department will become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the modification of the WIC program rules is adopted.

Dated: 24 May 1995

Anne M. Barry
Acting Commissioner
Department of Health

Department of Human Services

Benefit Health Care Services Division

Notice of Solicitation of Outside Information or Opinions Governing Conditions for Medical Assistance, General Assistance Medical Care, and MinnesotaCare Payment Under *Minnesota Rules*, Parts 9505.5035 to 9505.5105 and Hospital Admission Certification, Parts 9505.0500 to 9505.0540

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to rules that establish the requirement of a second surgical opinion as a condition of payment to providers of surgical services to recipients of medical assistance, general assistance medical care, and MinnesotaCare under *Minnesota Rules*, parts 9505.5035 to 9505.5100 and parts 9505.0500 to 9505.0540. The adoption of the proposed amendments is authorized by *Minnesota Statutes*, sections 256.9352, subdivision 2; 256.991; 256B.04, subdivisions 2 and 15; and 256D.03, subdivision 7, paragraph (b).

During the course of the rule amendment process the following issues may be considered: 1. removing the time limit on obtaining a second surgical opinion; 2. deleting the determination of the medical appropriateness of a surgical procedure by a second physician; 3. deleting the determination of the medical appropriateness of a surgical procedure by a third opinion if the second opinion fails to substantiate the need for the surgical procedure; 4. removing the requirement to repeat the second surgical opinion process if the surgical procedure is not performed within the 180 day time limit; 5. amending parts 9505.0500 to 9505.0540 as necessary to assure consistency with parts 9505.5035 to 5100; and 6. extending the requirement to the same services provided to MinnesotaCare recipients under *Minnesota Statutes*, section 256.9353.

The State Department of Human Services will not form an advisory task force to aid in the development of the rule amendments.

The Department anticipates that the rule amendment adoption process will take approximately six months.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule amendments. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Eleanor Weber
Rules and Bulletins Unit
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816

Oral statements will be received during the regular business hours over the telephone at (612) 297-4301 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: June 1995

Eleanor Weber
Rules and Bulletins

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective June 5, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Blue Earth: MSU Armstrong Hall Exterior Door Replacement-Mankato.

Clay: Moorhead State Univ Fire Protection Systems Phase II-Moorhead.

Hennepin: Pratt Education Center Tuckpointing-Minneapolis; Sanford Hall Tower Sprinkler System-Minneapolis; Seward

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School Asbestos Abatement-Minneapolis; Minnesota Zoo Marine Education Center CP-1-Apple Valley; Retrofit of Elevators A-D, A Building, Hennepin County Medical Center-Minneapolis; Chimney Repair Power Plant Mn Veterans Home-Minneapolis; Anderson School Deferred Maintenance, Mpls Public Schools-Minneapolis; Cooper Elementary Deferred Maintenance, Mpls Public Schools-Minneapolis; Mpls Public Schools, UST Removal & Replacement Bid 025-Minneapolis; Mpls Public Schools, UTS Removal & Replacement Bid 015-Minneapolis.

Itasca: Coloraine Senior High School Auditorium Renovation-Coloraine; Expansion Arrowhead Promotion & Fulfillment Co Inc-Grand Rapids.

Kittson: Lake Bronson Beach/bath Remodel-Lake Bronson.

Mille Lacs: Princeton North Elementary Lighting Retrofit-Princeton.

Mower: ISD 495 Reroof K-12 Grand Meadow Public School-Grand Meadow; Lake Louise State Park Contact/Office Bldg & Shop/Storage Bldg-Near Leroy.

Ramsey: Life Safety Improvements Phase 3 State Transportation Bldg-St Paul; 1995 Roof Membrane Replacement Adams Elementary School-St. Paul; Masonry Wall Restoration Central Senior High School-St Paul; Asbestos Abatement Ames Elementary-St Paul; ADA Improvements to North St Paul/Maplewood Schools-North St Paul, Maplewood; Portable Classrooms 1995 Summer Asbestos Abatement-St Paul; Como Elementary 1995 Summer Asbestos Abatement-St Paul; Riverfront Adult Education Center-St Paul; Wheelock Early Education-St Paul; Prosperity Heights Elementary 1995 Summer Asbestos Abatement-St Paul; Randolph Heights Elementary 1995 Summer Asbestos Abatement-St Paul.

Rice: Fire Sprinklers Retrofit Tate & Frechette Haus MN Academy for Deaf-Faribault.

Roseau: Remodel Wannaska Forestry Office-Wannaska.

Sherburne: MCF Accessibility-St Cloud.

Washington: Stillwater MCF Flag Area Lighting-Stillwater; ADA Improvements to Oakdale Schools-Oakdale.

Winona: Phelps Hall Gymnasium Reroof-Winona.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

Public Employees Retirement Association

Notice of Meeting of Board of Trustees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, June 8, 1995, at 9:30 a.m. in the offices of the association, 514 St. Peter Street, Suite 200 - Skyway Level, St. Paul, Minnesota.

Department of Public Service

Notice of Solicitation of Outside Comments or Opinions Regarding the Revised Institutional Conservation Program (ICP) State Plan

The Department of Public Service is seeking comments or opinions from outside parties on Minnesota's revised ICP State Plan. Interested persons or groups may submit views on the subject matter of concern in writing or orally by July 14, 1995. Written statements should be addressed to:

Susan Medhaug
Department of Public Service
121 Seventh Place East, Suite 200
St. Paul, MN 55101-2145

Oral statements will be received during regular business hours over the telephone at (612) 297-2103 and in person at the above address. Copies of the proposed ICP State Plan can be obtained or viewed at the above address or can be requested by calling (612) 297-2103.

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes, Chapter 41C* - for 165 Acres of Bare Farmland Located in Marshfield Township, Lincoln County

NOTICE IS HEREBY GIVEN that a public hearing will be held on **June 21, 1995, at 9 A.M. in Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of **approximately 165 acres of bare farmland** located in **Section 14, Marshfield Township, Lincoln County, Minnesota** on behalf of **Kenneth & Penny Smith**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$157,500.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 15 May 1995

Wayne Marzolf
RFA Executive Director (acting)

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by June 27, 1995. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1994 Annual Compilation and Statistical Report is now available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1994 fiscal year. The 1994 Annual Compilation also indicates members with terms that ended in January 1995 as open for application; many of these positions may still be open. To order copies of the 1994 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

ACUPUNCTURE ADVISORY COUNCIL Board of Medical Practice, 2700 University Ave. W., #106 St. Paul, MN 55114-1080, (612)642-0538 *Minnesota Statutes 147B.05*.

APPOINTING AUTHORITY: Board of Medical Practices (19).

COMPENSATION: \$55 per diem

VACANCY: Seven positions: Please refer to the description of the council. Council advises Board of Medical Practice regarding acupuncture standards and the complaint/discipline process, and provides for distribution of information regarding standards. The council consists of 7 members, 4 acupuncture practitioners who meet licensure requirements and have practiced acupuncture at least 3 years, 1 licensed physician who also practices acupuncture, 1 licensed chiropractor who is NCCA certified, 1 public member who has received acupuncture treatment as primary therapy from NCCA certified acupuncturist.

The council will meet bimonthly at the Board of Medical Practice Office, the meetings will last about 2 hours. Appointments pending. The council expires June 30, 1997, *Minnesota Statutes* 15.059, subd. 5, as amended *Laws of 1995*.

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EMERGENCY RESPONSE COMMISSION B-5 State Capitol Building, St. Paul, MN 55155, (612)643-3000. *Minnesota Statutes 299K.03* as amended by *Laws of 1994, Chapt. 584*.

APPOINTING AUTHORITY: Governor (01).

COMPENSATION: Per diem plus expenses.

VACANCY: Two vacancies: One representative of volunteer fire fighters for a term expiring in January, 1997. One representative of emergency medical personnel for a term expiring in January, 1997.

The commission coordinates the implementation of the federal Emergency Planning and Community Right-To-Know Act, carrying out the requirements of a commission under the Act, and may adopt rules in order to do so. The commission consists of twenty-two members, including the Commissioners of the Departments of Public Safety, Health, Agriculture, the Commissioner of the Pollution Control Agency; and eighteen members (four from outside the metro area) to be appointed by the Governor to include one representative each of: fire chiefs, professional fire fighters, volunteer fire fighters, fire marshals, law enforcement personnel, emergency medical personnel, health professionals, wastewater treatment operators, labor, local elected officials, emergency managers, three representatives of community groups or the public, four representatives from business and industry, at least one of whom must represent small business. Members must file with the Ethical Practices board. Commission meetings are held on the second Thursday of each month from 9:30 a.m. to 12:00 noon. The meetings are generally held in the State Office Building or in B-5 State Capitol Building (during legislative session). The commission does not expire.

ENVIRONMENTAL HEALTH SPECIALIST/SANITARIAN ADVISORY TASK FORCE P.O. Box 9441, 717 Delaware St., SE, Mpls., MN 55440-9441, (612)627-5023. *Minnesota Statutes 214.13, subd. 4*.

APPOINTING AUTHORITY: Commissioner of Health (13).

COMPENSATION: None.

VACANCY: Seven positions: Please refer to the description of this reinstated agency.

The task force recommends applicants for registration as environmental health specialists/sanitarians, advises the Commissioner on standards, rules and requirements for registration, and advises on a continuing education program for registration renewal. The task force consists of seven members including four registered environmental health specialist/sanitarians; one representative of a regulated industry or educator; and two public members. Two meetings a year, 4-6 hours. Meeting location: Metro Square Building. The task force expires July 30, 1997 per *Minnesota Statutes 15.059 subd. 6*.

METROPOLITAN WASTE MANAGEMENT ADVISORY COMMITTEE MN Office of Environmental Assistance, 520 Lafayette Rd, Second Fl, St. Paul, MN 55108, (612)649-5750. *Minnesota Statutes 473.149, subd. 4*.

APPOINTING AUTHORITY: MN Office of Environmental Assistance (29).

COMPENSATION: Travel expenses.

VACANCY: Two vacancies: Citizen members. The council meets on the first Friday of each month in St. Paul from 9:00 a.m. - 11:00 a.m. Duties include updating of the Metro Policy Plan, review of county master plans, reports, and applications for permits for waste management facilities, and other duties.

The advisory committee shall aid in the preparation of the Metropolitan Policy Plan, review of county master plans, reports and applications for permits for waste facilities, and other duties. The advisory committee includes fifteen members: five local government representatives, five industry representatives, and five citizen members. Monthly meetings take place at the MN Office of Environmental Assistance, and are approximately two hours in length. The advisory committee expires June 30, 1997 per *Minnesota Statutes 15.059 subd. 5* as revised by *Laws of 1993*.

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE 2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089, (612)642-0591. *Minnesota Statutes 148.01 - 148.106*.

APPOINTING AUTHORITY: Executive Director, MN Board of Chiropractic Examiners (07)

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Public member; must be available to attend first meeting on Tuesday, August 8, 1995 at 12:30p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are one year in length. Members may serve two full terms. Applications may be submitted at any time and are retained and considered for two years. The committee meets on the second Tuesday of every month at 12:30 p.m. at the MN Board of Chiropractic Examiners' office. The committee does not expire.

MINNESOTA EARLY CHILDHOOD CARE & EDUCATION COUNCIL 117 University Ave., 3rd Fl., St. Paul, MN 55155, (612)296-1400. *Minnesota Statutes 256H.195.*

APPOINTING AUTHORITY: Governor (01).

COMPENSATION: \$55 per diem, plus expenses.

VACANCY: Two vacancies: One minority representative and one child care center provider.

The council collaborates child care programs statewide and develops plans for allocating state and federal funds; develops a biennial plan for early childhood care and education in Minnesota; and acts as an advocate for a coordinated child care system. The council provides a report to the legislature on January 1st of every odd-numbered year describing work plans and legislative recommendations of the council. The council consists of nineteen members representing parents, family and child care center providers, private foundations, corporate executives, small business owners, and public school districts; also includes the commissioners of two Minnesota counties, three members from child care resources and referral programs (one from county operated resource and referral, one from a rural location, and one from the metro area), and a community group representative. The Governor shall consult with state councils of color to ensure council ethnic and racial representation. The council meets from 10-3 on Monday (the week may vary) every other month. Executive committee meets the other months on a Monday for two hours. Meeting schedule and location information available upon request. The council does not expire.

MINNESOTA EARLY CHILDHOOD CARE & EDUCATION COUNCIL 117 University Ave., 3rd Fl., St. Paul, MN 55155, (612)296-1400. *Minnesota Statutes 256H.195.*

APPOINTING AUTHORITY: Governor (01).

COMPENSATION: \$55 per diem, plus expenses.

VACANCY: Two vacancies: One minority representative and one child care center provider.

The council collaborates child care programs statewide and develops plans for allocating state and federal funds; develops a biennial plan for early childhood care and education in Minnesota; and acts as an advocate for a coordinated child care system. The council provides a report to the legislature on January 1st of every odd-numbered year describing work plans and legislative recommendations of the council. The council consists of nineteen members representing parents, family and child care center providers, private foundations, corporate executives, small business owners, and public school districts; also includes the commissioners of two Minnesota counties, three members from child care resources and referral programs (one from county operated resource and referral, one from a rural location, and one from the metro area), and a community group representative. The Governor shall consult with state councils of color to ensure council ethnic and racial representation. The council meets from 10-3 on Monday (the week may vary) every other month. Executive committee meets the other months on a Monday for two hours. Meeting schedule and location information available upon request. The council does not expire.

MINNESOTA HEALTH CARE COMMISSION 121 E 7th Place, Suite 400, PO Box 64975, St. Paul, MN 55164, (612)282-6374. *Minnesota Statutes 62J.08* as amended by *Laws of 1994, Chapter 625.*

APPOINTING AUTHORITY: Governor (01).

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Member representing employers.

The commission shall make recommendations to the commissioner of Health and the legislature regarding health care cost containment and help improve accessibility, affordability and quality of health care in Minnesota. The commission consists of twenty-seven members, including ten members appointed by the Governor: one representing health plan companies, one rural physician, two members representing health care providers other than hospitals, physicians, and nurses, two members representing employers, three members representing consumers, one of whom shall be over the age of 65, and one member representing labor unions other than the AFL-CIO Minnesota. Two additional consumer members shall be appointed, one under the rules of the Senate, one under the rules of the House of Representatives. Twelve members shall be appointed by organizations outside the state government. Those organizations have been notified by letter that they should provide the name of their appointees to the Governor's office, when received, those names will be forwarded to the Secretary of State's office. The remaining three members of the commission shall be the Commissioners of Commerce, Employee Relations, and Human Services. The Governor and legislature shall coordinate appointments to the commission to ensure gender balance and proportionate geographic representation among the members of the commission. Members must file with the Ethical Practices Board. Meeting schedule and location is published monthly. The commission expires June 30, 1996.

Official Notices

MINNESOTA HIGHER EDUCATION COORDINATING BOARD 400 Capitol Square Bldg., St. Paul, MN 55101, (612)296-9666. *Minnesota Statutes 136A.02.*

APPOINTING AUTHORITY: Governor (01). Senate confirmation.

COMPENSATION: \$55 per diem.

VACANCY: One Vacancy: Resident of Congressional District 5.

The board provides leadership in planning to meet the educational needs of residents beyond high school. The board administers state and federal higher education programs, including Minnesota's student financial aid programs. The board consists of eleven members appointed by the Governor including one member from each congressional district, three at-large members, one of whom is a student member. At least one member shall be selected for knowledge and interest in vocational education. The student advisory council may recommend candidates to the Governor for the student position. Monthly meetings are held in the Capitol area and occasionally in Greater Minnesota. Members must file with the Ethical Practices Board. The board does not expire.

MINNESOTA INSURANCE GUARANTY ASSOCIATION Dept. of Commerce, 133 E. 7th St., St. Paul, MN 55101, (612)297-1118. *Minnesota Statutes 60C.08, Subdivision 1.*

APPOINTING AUTHORITY: Commissioner of Commerce (08).

COMPENSATION: Reimbursed for expenses.

VACANCY: One vacancy: Public member.

The association provides for the payment of covered claims to avoid financial loss to policyholders because of the liquidation of an insurer. The association board consists of nine members and two public members. Public members are appointed by the Commissioner of the Dept. of Commerce for a period of two years. Meetings as needed. The board does not expire.

MINNESOTA MUNICIPAL BOARD 475 McColl Bldg. St. Paul, MN 55101, (612)296-2428. *Minnesota Statutes 414.01.*

APPOINTING AUTHORITY: Governor (01).

COMPENSATION: \$50 per diem plus expenses for public members.

VACANCY: One vacancy: Shall have been a resident of the state of Minnesota for at least 5 years prior to appointment. Must be learned in the law.

The board acts on all boundary adjustments between a city and the adjacent land, and rules on incorporations of cities. The board consists of three members of whom at least one must be learned in the law, and one must be a resident from outside the metropolitan area. Monthly meetings and numerous hearings. Members must file with the Ethical Practices Board. The board does not expire.

MINNESOTA RACING COMMISSION 7825 Washington Ave. S., Suite 800, Bloomington, MN 55439, (612)341-7555. *Minnesota Statutes 240.02.*

APPOINTING AUTHORITY: Governor (01). Senate confirmation.

COMPENSATION: \$55 per diem.

VACANCY: One Vacancy: Must be a Minnesota resident for five years preceding appointment. No more than five members may belong to the same political party. Terms are staggered and are for six years.

Members must file with the Ethical Practices Board. Appointees must file a bond of \$100,000. The commission licenses persons and organizations to operate racetracks, conduct horse racing, conduct pari-mutual wagering on horse racing, enforces and collects all applicable taxes and license fees, and establishes a Minnesota Breeders' Fund. The commission consists of nine members. Prescribed qualifications for membership include being a Minnesota resident for five years preceding appointment. No more than five members may belong to the same political party. Appointees must file a bond of \$100,000. Terms are staggered and are for six years. Members must file with the Ethical Practices Board. Meetings are the third Wednesday of every month, usually at the Hennepin County Government Center in downtown Minneapolis. The commission does not expire.

MINNESOTA WORKERS COMPENSATION INSURERS' ASSN (RATING ASSN) 7760 France Ave. S., Suite 640, Mpls., MN 55435, (612)897-1737. *Minnesota Statutes 79.61.*

APPOINTING AUTHORITY: Commissioner of Commerce (08).

COMPENSATION: Reimbursement for expenses.

VACANCY: Two vacancies: Board members. Overseeing all phases of operation.

The association oversees the administration of the Minnesota Workers Compensation Insurers' Association (Rating Association). The membership includes twelve members of whom two are employer representatives. Quarterly meetings. The association does not expire.

PHYSICAL THERAPY COUNCIL Board of Medical Practices, 2700 University Ave. W., #106, St. Paul, MN 55114-1080, (612)642-0538. *Minnesota Statutes 148.67.*

APPOINTING AUTHORITY: Board of Medical Practices (19).

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Seven positions: Please refer to the description of this reinstated council.

The council advises the Board of Medical Practice on all matters relating to physical therapy. The council also advises the board in physical therapist registration and disciplinary matters. The council consists of 7 members, 3 physical therapists, 2 licensed physicians (one being a professor or associate or assistant professor from a PT program), 1 physical therapy aid or assistant, and 1 public member. The council expired June 30, 1994 per *Minnesota Statutes 15.059 subd. 5* as amended by *Laws of 1993*.

PHYSICIAN ASSISTANT ADVISORY COUNCIL Board of Medical Practice, Suite 106, 2700 University Ave. W., St. Paul, MN 55114-1080, (612)642-0538. *Minnesota Statutes 214.13, subd. 4.*

APPOINTING AUTHORITY: Board of Medical Practices (19).

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Seven positions: Please refer to the description of this reinstated council.

The council advises the Board of Medical Practice regarding physician assistant registration standards and the complaint/discipline process, and provides for distribution of information regarding standards. The council consists of 7 members, 2 public members, 3 physician assistants registered in MN, 2 licensed physicians with experience supervising physician assistants. The council meets bimonthly at Board of Medical Practice office for 2 hrs. Appointments pending. The council expires June 30, 1997, *Minnesota Statutes 15.059, subd. 5* as amended *Laws of 1995*.

RESPIRATORY CARE PRACTITIONERS' ADVISORY COUNCIL Board of Medical Practice, 2700 University Ave. W., #106, St. Paul, MN 55114-1080, (612)642-0538. *Minnesota Statutes 214.13, subd. 4, Minnesota Rules 4762.0200.*

APPOINTING AUTHORITY: Commissioner of Health (13).

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Seven positions: Please refer to the description of this reinstated agency.

The council advises the Board of Medical Practice on respiratory care practitioner standards, applications for registration, complaints and disciplinary actions, continuing education programs and enforcement of respiratory care practitioner rules. Two public members, three registered respiratory care practitioners and two physicians with expertise in respiratory care. The council meets monthly at the Board of Medical Practice for 1-2 hours. *Laws of 1995*.

RURAL DEVELOPMENT BOARD Dept. of Trade and Economic Development, 500 Metro Square, 121 E. 7th Place, St., St. Paul, MN 55101-1421, (612)296-9090. *Minnesota Statutes 116N.02.*

APPOINTING AUTHORITY: Governor (01).

COMPENSATION: Reimbursed for expenses.

VACANCY: One vacancy: Need a local elected official for a term expiring in January, 1996. Person can not be from Minnesota Development Regions 1, 3, 6E, or 9.

The board is responsible for investigating, evaluating, and implementing new methods of rural development, including a Challenge Grant Program to assist rural businesses, and a Rural Investment Guide to offer recommendations for the legislature and state agencies. The board consists of fifteen members, including six public members, one from each region established by the board (to consist of two local elected officials, two members of farm organizations, one business representative, one labor representative), and eight ex-officio members. Members must file with the Ethical Practices Board. The board does not expire.

SOLID WASTE MANAGEMENT ADVISORY COUNCIL MN OEA, 520 Lafayette Rd, Second Fl, St. Paul, MN 55155, (612)296-3417. *Minnesota Statutes 115A.12.*

APPOINTING AUTHORITY: MN Office of Environmental Assistance (29).

COMPENSATION: Reimbursed for expenses.

VACANCY: One vacancy: Qualified applicant needs to be a representative from a local unit of government that is involved with solid waste management issues. Council meets the first Friday of each month at 11:30a.m. in St. Paul.

The council makes recommendations on solid waste management activities. The council may have nine to twenty-one members, with equal numbers of citizen members, representatives of local government units, and representatives of the solid waste industry; at least three members experienced in the private recycling industry and at least one member experienced in each of the following

State Grants

areas: state and municipal finance, solid waste collection, processing and disposal, and solid waste reduction and resource recovery. Meetings held the first Friday of each month, from 11:30am to 3:00pm at the MN Office of Environmental Assistance, 1350 Energy Lane, Suite 201, St. Paul. The council expires June 30, 1997 per *Laws of 1994*, Chpt. 480, Sec. 8.

STATE COUNCIL ON VOCATIONAL TECHNICAL EDUCATION 314 McColl Bldg., 366 Jackson St., St. Paul, MN 55101, (612)296-4202. *Minnesota Statutes 136C.50*.

APPOINTING AUTHORITY: Governor (01).

COMPENSATION: \$55 per diem, reimbursed for expenses.

VACANCY: One vacancy: Representative of education, especially high schools, technical colleges, vocational student organizations or school boards for a term expiring in January, 1997.

The council advises the Governor, the state's education boards, the business community and the public on policy for vocational technical education. The council consists of thirteen members including seven representatives of the private sector (five from business, industry, and agriculture, and two from labor) and six representatives of high schools and technical colleges among which must be representatives of career guidance and counseling, targeted populations and special education - at least one member from each congressional district. The council does not expire.

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, June 15, 1995, at 9:30 a.m., in Suite 500, Gallery Building, 17 W. Exchange St., St. Paul, MN to consider matters which may properly come before the Board.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Economic Security

Rehabilitation Services Division

Notice of Availability of Funds for Extended Employment Programs

A Request for Proposals defining program requirements and funding guidelines for Extended Employment Program funding in State Fiscal Year 1996 will be available to interested parties on 6/7/95. The Extended Employment Program includes Supported Employment, Long-term Employment, and Work Activity which provide ongoing employment support services to workers with severe disabilities.

To be an Extended Employment Program provider, a community rehabilitation program must be certified by the Division of Rehabilitation Services in accordance with *Minnesota Rules* 3300.1950 to 3300.3050. Any city, town, county, non-profit organization or combination of these which operates or proposes to operate a public or non-profit Extended Employment program may apply for funding. Applications are required for funding Extended Employment programs currently receiving state Extended Employment funds, and are also required for new or expanded programs.

Persons or parties who wish to obtain a Request for Proposals for Extended Employment Program Funding for State Fiscal Year 1996 may contact:

David Sherwood-Gabrielson, Director
Extended Employment Program
Division of Rehabilitation Services

Professional, Technical & Consulting Contracts

390 North Robert Street - 1st Floor
St. Paul, MN 55101
Phone: (612) 296-9150
FAX: (612) 297-5159

Completed applications must be postmarked July 31, 1995 or delivered to the above address by 4:30 p.m. on that date.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Corrections

Minnesota Correctional Facility - Shakopee

Notice of Request for Proposal for Pre-employment and Employment Extension Physical Exams

NOTICE IS HEREBY GIVEN to request proposals for the provision of providing pre-employment and employment extension physical exams to employees referred by MCF/Shakopee. Proposals shall cover the period of July 1, 1995 to June 30, 1997. Proposals must be submitted by 4:00 p.m. on June 9, 1995.

To submit proposals or for additional information, contact:

Ruth Dahl, Personnel Director
Minnesota Correctional Facility - Shakopee
P.O. Box 7
Shakopee, MN 55379
(612) 496-4457

Department of Education

Request for Proposal for Research and Initiative Design Services; Equity Initiative in K-12 Mathematics and Science Education

Proposals are being solicited to provide Research and Initiative Design services to SciMathSM, a statewide business/education partnership whose mission is to increase the educational achievement of *all* Minnesota students in mathematics and science. The project involves gathering, analyzing and synthesizing existing available data and information, and formulating a recommended focus, scope, and 2-year action plan for a statewide initiative aimed at increasing the participation and achievement of female and minority students in K-12 science and mathematics. The anticipated time frame for this activity is August 1995 to March 1996. Estimated amount of the contract will not exceed \$50,000.

Copies of the RFP may be obtained by contacting Deb Rose at the MN Dept. of Education, 638 Capitol Square, 550 Cedar Street, St. Paul, MN 55101; 612/296-4058. Proposals must be received by 4:00 p.m., July 5, 1995.

Professional, Technical & Consulting Contracts

Normandale Community College

Request for Proposal for Food Service Operation

Normandale Community College requests proposals for providing a food service operation on our campus. We are seeking a request for proposal for the appropriate and complete manual and catering food service operation. It is our intent to offer a two year contract with two, one year extensions subject to agreement by both parties. On Wednesday, June 21, at 9 a.m., we are hosting a campus visit program for all interested responders. We will provide you with an opportunity to tour the campus, the dining and food service preparation areas and respond to questions and concerns. The Bloomington Department of Environmental Health regulation precludes drop-in visits in the food service preparation areas so *this will be your only opportunity to see the kitchen* (reservation required). For a copy of the RFP, prospective respondents should contact:

Gail Anderson Cywinski
Associate Dean of Students
Normandale Community College
9700 France Avenue South
Bloomington, MN 55431
612/832-6338 (V), 612/832-6864 (TTY), 612/832-6571 (FAX)

Department of Administration

State Designer Selection Board

Request for Proposal for a University of Minnesota Project

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a State University project. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., Tuesday, June 27, 1995, to:

George Iwan
Executive Secretary, State Designer Selection Board
Room G-10, Administration Building
St. Paul, Minnesota 55155-3000

The proposal must conform to the following: Proposals not conforming to these requirements will be disqualified and discarded without further examination. **NOTE: This request for proposal utilizes a changed format.**

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces will be allowed.
- 3) The cover of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.
- 4) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in 5(b) have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.
- 5) Proposal Summary
All proposals shall begin with a summary which includes only the following items:
 - a) Name of firm and it's legal status;
 - b) Names of persons responsible for both the management and production of the work including consultants and Minnesota registration numbers.
 - c) The proposal shall contain a statement indicating that the consultants listed have been contacted and have agreed to be part of the design team.
 - d) A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named 5(b) above along with adequate staff to meet the requirements of work.

Professional, Technical & Consulting Contracts

e) A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call for a copy of the acceptable format for providing this information.

f) In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted; therefore, the proposal shall include one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
2. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
3. A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

6) Additional Proposal Contents

a) Expanded resumes showing qualification of individuals listed in 5(b) administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the project at hand.

b) A discussion of the firm's understanding of and approach to the project.

c) A listing of relevant past projects.

7) Other design firms wishing to have their proposals returned after the Board's review, must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the project herein described or the fee format form may be referred to George Iwan at (612) 296-4656.

8) **Project - 5-94**

Remodel Various Buildings

University of Minnesota Minerals Research Laboratory - Coleraine

Estimated Construction Cost:

\$850,000.00

Scope of Project:

The University of Minnesota is planning to correct numerous building deficiencies, safety concerns and building code requirements at the University of Minnesota, Mineral Research laboratory, Coleraine. The scope of the project includes full architectural/engineering services for the project. The essential upgrades include the following facilities: Central Office, Analytical Lab, Batch Lab Complex, Pilot Plant Buildings, Storage Buildings and General Site Work. In addition, nine buildings will be removed. All remaining buildings will be sand blasted and painted, as required.

The facility consists of a variety of buildings constructed between 1906 and 1962. There are a mixture of wood frame, steel frame, metal sheathing and masonry structures. The current construction budget is anticipated to be approximately \$850,000.00. The project cost, including all fees and permits, has been fixed at \$1,000,000.00. The maximum consultant fee available for all phases of the project, including all travel and reimbursables, is approximately \$86,000.00.

The design team should have applicable prior experience in building renovation, code compliance corrections and cost estimating. Experience with the design and construction of typical northern Minnesota mining industry structures would be valuable and a consideration. Questions concerning this project may be referred to Charles K. Koncker at (612) 624-0828.

Maureen Steele Bellows, Chair
State Designers Selection Board

Professional, Technical & Consulting Contracts

Office of the Revisor of Statutes

Notice of Request for Indexing Services

NOTICE IS HEREBY GIVEN that the Office of the Revisor of Statutes is seeking the following indexing services for the period July 1, 1995 to June 30, 1996:

1. Indexing of 1995 legislative material for publication of the 1995 Minnesota Statutes Supplement and incorporation of that materials into the existing Statutes index database.
2. Indexing for the Minnesota Rules publication.
3. Indexing of Court Rules for the 1996 publication of Minnesota Statutes.

Statutory indexing experience and computer keyboarding facility are prerequisites to performing the services. Where current contractors have at least equal qualifications, they will be given preference in order to maintain program consistency and stability. Responses must be received by the Office of the Revisor of Statutes by Tuesday, June 20, 1995. Direct inquiries and responses to:

Lorna Breiter
Office of the Revisor of Statutes
700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155
(612) 296-2778

TDD use State Relay Services: Metro MN 297-5353
Greater MN 1-800-627-3529

Activity and Coloring Books---

Puzzles & Mazes and Games, Oh My!

New!

Fun-packed coloring and activity book about Minnesota wildlife. Perfect for young grade-schoolers. 48pp. (DNR, 1993) Stock No. 9-4 \$3.25

Nature Explorer Activity Book

A fun way for parents to introduce children (age 8-12) to the wonders of nature. Over 30 fun activities (both outdoor and indoor) designed for children to do with adults. 72pp. (DNR, 1989) Stock No. 9-49 \$3.95



'Forestry for You & Me'

Eight page coloring book about forests, conservation, safety, forest jobs and products, animals and recreation.. 8pp. (DNR, 1989) Stock No. 9-39 \$.80

'Minnesota A to Z'

New!

A fun 'alphabet soup' coloring book teaches elements of Minnesota history. 34pp. (MHS Press, 1992) Stock No. 17-10 \$3.50

Charles Lindbergh

New!

Color as you learn about the great Minnesota-born aviator. 32pp. (MHS Press, 1987) Stock No. 17-17 \$2.50

Dakota Indian

Travel back in time while you color the costumes, games and foods of the Sioux and Eastern Dakota Indian during the early 19th century. 32pp. (MHS Press, 1979) Stock No. 17-2 \$3.95

Fur Trade

Coloring book features the story of the fur traders-- their life, environment, animals. 28pp. (MHS Press, 1981) Stock No. 17-4 \$2.50

Kelley Farm Activity Book

History of Kelley Farm includes pictures for coloring, games, songs, craft projects and other fun activities for children. 32pp. (MHS Press, 1985) Stock No. 17-47 \$3.50

Lumberjack

Have fun coloring pictures of the early logging industry and the colorful characters of frontier times. 28pp. (MHS Press, 1982) Stock No. 17-31 \$2.50

Ojibway Indian

Coloring book depicts the Ojibway/Chippewa Indians of the Western Great Lakes region during the mid-1800's. 30pp. (MHS Press, 1978) Stock No. 17-1 \$2.50



